

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Michael K. Hargens, et al. Confirmation No: 5162
Serial No.: 09/628,831 Examiner: Alina A. Boutah
Filing Date: 07/31/2000 Group Art Unit: 2443
Title: DYNAMICALLY PROVIDING COMMUNICATION ACCOUNTS
USING A COMMUNICATION ACCOUNT SYSTEM

**Mailstop: Petition
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450**

**PETITION UNDER 37 C.F.R. § 1.181(a) TO WITHDRAW HOLDING OF
ABANDONMENT**

A notice of abandonment (hereinafter “the notice”) received on June 26, 2009, regarding the above-referenced patent application (hereinafter “the application”) indicates that the application is abandoned for “Applicant’s failure to timely file a proper reply to the Office letter mailed on 14 October 2008.” The notice further indicates that “no reply has been received.” In response to the notice, the Applicant hereby petitions the Director to withdraw the holding of abandonment, as the Applicant asserts that the Office letter referenced in the notice was not delivered to, and hence was not received at, the correspondence address associated with the application.

Appended to this petition is a copy of the above mentioned Office letter, which has been obtained from the private portal of the Public Application Information Retrieval (PAIR) system. As asserted in the notice, the cover sheet (first page) of the Office letter indicates that the Office letter was mailed October 14, 2008. However, appended to the Office letter appears to be a copy of the envelope in which the Office letter was mailed. Please note that no address is visible through the envelope window. A stamp on the envelope indicates that the Office letter was returned to the Office mail center on October

21, 2008. Thus, on the basis of the foregoing, the Applicant asserts that the Office letter was never delivered to the correspondence address associated with the application, or anywhere else, and instead was returned directly to the Office.

Also appended to this petition is a copy of a docket report provided by Sprint Communications Company, L.P., the Assignee of the application. The docket report provides a list of docketing dates associated with Office letters received at the correspondence address, organized chronologically according to the mailing date of the letter. (Please see the first column of the report, entitled "Base Date.") The report spans mailing dates ranging from October 14, 2008, to October 28, 2008. Please note that none of the report entries are associated with the attorney docket number of 1320 of the present application. (See the second column of the report, entitled "Case Number.") The Applicant respectfully asserts that the docket report provides further evidence that the Office letter was never received.

Conclusion

Thus, in light of the foregoing, the Applicant respectfully petitions the Director to withdraw the holding of abandonment of the present application on the basis of non-receipt of the Office letter of October 14, 2008.

The Assignee believes that no fees are due with respect to the filing of this petition. However, should the Office determine that additional fees are necessary, the Office is hereby authorized to charge Deposit Account No. 21-0765 accordingly.

Respectfully submitted,

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